

REMARKS

No claims have been amended, added or canceled. Claims 13-17, 19-23 and 43-49 are still pending.

Claims 13-16, 17, 19 and 48

Independent claim 13 stands rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,147,055 to Samson et al. ("Samson") in view of USP 4,913,308 to Culbertson ("Culbertson") and USP 1,893,743 to Hirshman ("Hirshman"). This rejection is respectfully traversed.

Claim 13 recites that the frame has an upper edge that has the same perimeter as the shell. In contrast, neither Samson nor Culbertson disclose a frame having an upper edge that has the same perimeter as the shell.

First, the element 92 in Samson (which the examiner considers to correspond to the "frame") is a bag retaining ring that is seated on top of a flange 26 of the shell 12, with portions 94 and 96 of the ring 92 extending inside and outside the shell 12. See column 5, lines 8-12 and FIGS. 2-4 of Samson. Thus, the ring 92 does not have the same perimeter as the shell 12.

Second, as best shown in FIG. 1 of Culbertson, the top frame 12 has a wider diameter than the shell 14.

Thus, even if the combination of Samson and Culbertson were proper (which Applicant disputes), **this combination will not yield the assembly claimed in claim 13.**

Thus, Applicant respectfully submits that claim 13, and claims 14-17, 19 and 48 depending therefrom, are allowable over Samson, Culbertson and Hirshman.

Claims 20-23

Claims 20-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Samson in view of USP 4,663,803 to Gora ("Gora"). This rejection is respectfully traversed.

Claim 20 recites that the frame has an upper edge that has the same perimeter as the shell. In contrast, neither Samson nor Gora disclose a frame having an upper edge that has the same perimeter as the shell. First, Samson does not disclose this limitation, for the reasons set forth above in connection with claim 13. Second, Gora does not appear to have any frame that is secured to the top edges of the side walls, and to the extent the top-most part of the walls of the container 10 in Gora can be considered to be

the claimed "frame", this top-most part defines a flange such that its upper edge has a greater perimeter than the rest of the container 10. Thus, neither Samson nor Gora disclose a frame having an upper edge that has the same perimeter as the shell.

In addition, claim 20 recites that the slot is inwardly offset from the perimeter of the frame. In contrast, Applicant does not see where Gora discloses a sleeve retained in a slot that is inwardly offset from the perimeter of the frame:

1. It is not clear that Gora discloses a frame. As pointed out above, if the top-most part of the walls of the container 10 in Gora are considered to be the claimed "frame", this top-most part defines a flange such that its upper edge has a greater perimeter than the rest of the container 10. This means that the limitation that "the frame has an upper edge that has the same perimeter as the shell" is clearly not met by both Gora and Samson, which thereby means that the combination of Samson and Gora (even if proper) would not yield all the limitations of claim 20.
2. Applicant cannot see how the elements in FIGS. 4, 5, 7 and 8 disclose the claimed slot and sleeve. In the rejection, the examiner merely refers to these FIGS. in Gora as disclosing the claimed slot and sleeve, but does not explain how.
 - a. In particular, Gora discloses lid sections 12 rotatably joined to the walls of the container 10 by a hinge joint 14. Each lid section 12 has hinge ends 16 and 18, each having blind hinge eyes 20 and 22, respectively. Each blind hinge eye 20, 22 has a closed end 24 and a lead-in slot 28. Each lid section 12 also has integrally-provided open hinge eyes 30. In addition, open hinge eyes 32, 33 are integral with the wall of the container 10. The open hinge eyes 30, 32, 33 are positioned between the blind hinge eyes 20, 22 (see FIG. 1). A single hinge pin 34 extends through all the hinge eyes 20, 22, 30, 32, 33 to connect a lid section 12 to a wall of the container 10. To assemble the hinge joint 14, the hinge eyes 20, 22, 30, 32, 33 are aligned, and the first end 16 of lid section 12 is flexed to flex the first blind hinge eye 20 away from the rest of the hinge joint 14 (see FIGS. 4 and 7). The hinge pin 34 is then inserted lengthwise through the open hinge eyes 30, 32, 33 and into the second blind hinge eye 22 until one end of the hinge pin 34 abuts the closed end 24 in the second blind hinge eye 22. The first blind hinge eye 20 is then flexed again so that the other end of the hinge pin 34 enters the lead-in slot 28 into the first blind hinge eye 20.

- b. Applicant assumes that the Examiner is construing the open hinge eyes 30 to correspond to the claimed sleeve, and the spaces between the hinge eyes 32, 33 (i.e., the spaces that receive the hinge eyes 30) to correspond to the claimed slot. However, these spaces between the hinge eyes 32, 33 are not inwardly offset from the perimeter of any frame.

To further highlight the distinctions between the claimed hinge joint in claim 20 and the hinge joint disclosed in Gora, Applicant had added claim 49 in the previous Amendment, which recites that the sleeve is a single sleeve and the slot is a single slot. To the extent that the open hinge eyes 30 in Gora are construed to correspond to the claimed sleeve, there are a plurality of these hinge eyes 30, and Gora does not disclose a single sleeve received in a single slot. However, in the latest rejection, the examiner did not explain how claim 49 can be read on Gora.

Thus, Applicant respectfully submits that claim 20, and claims 21-23 and 49 depending therefrom, are allowable over Samson and Gora.

Claims 43-47

Claims 43-47 stand rejected under 35 U.S.C. 103(a) as being unpatentable over USP 2,946,474 to Knapp ("Knapp") in view of Culbertson, Hirshman and USP 6,010,024 to Wang ("Wang"). This rejection is respectfully traversed.

Claim 43 recites that the shell and the base are formed of different materials. The examiner contends that Wang (Figure 2) discloses this limitation. However, Applicant respectfully submits that the specification in Wang is completely silent about the materials for its shell and its base. In addition, the drawings do not disclose that the shell and base are made of different materials. For example, the shell 6 and the base 9 in Wang are both shown with the same type of line drawings, with no shadings to distinguish one from the other. Therefore, even if the combination of Knapp, Culbertson, Hirshman and Wang were proper (which Applicant disputes), **this combination will not yield the assembly claimed in claim 43.**

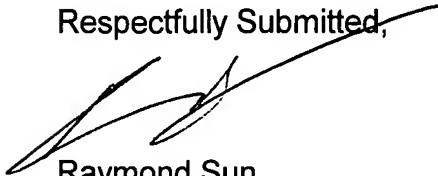
In addition, Applicant submits that the proposed combination of Knapp, Culbertson, Hirshman and Wang is not proper when viewed in the context of claim 43. In this regard, Knapp, Culbertson and Hirshman disclose trash cans or containers that do not have bases that are separate from the shell. To provide the shell and base in different materials would necessarily require that they be separate components to begin with. However, given the fact that the containers in Knapp, Culbertson and Hirshman do

not have bases that are separate from the shell, there would be no incentive or reason for anyone skilled in the art to provide the base and shell in different materials. Therefore, even if Wang did disclose providing the base and shell in different materials (which Applicant disputes above), it would not be proper to modify the containers in either Knapp, Culbertson or Hirshman to provide the base and shell in different materials. Thus, claim 43, and claims 44-47 depending therefrom, are submitted to be allowable over Knapp, Culbertson, Hirshman and Wang.

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In light of the above reasons, all pending claims are submitted to be in condition for allowance. **The Examiner is encouraged to telephone the undersigned if the Examiner has any proposed amendments that can place this application in condition for allowance.**

Respectfully Submitted,



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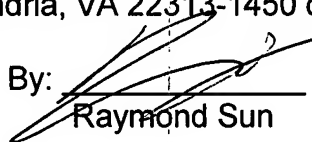
Date: April 2, 2007

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